Office of the Secretary of State
Building 1 Suite 157-K
1900 Kanawha Blvd E.
Charleston, WV 25305

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9214 8901 1251 3410 0000 9180 63

SOARING EAGLE DEVELOPMENT COMPANY, LLC
DREW PAYNE
300 CAPITOL ST
SUITE 1503
CHARLESTON, WV 25301

Natalie E. Tennant
Secretary Of State
State Of West Virginia
Phone: 304-558-6000
866-767-8683
Visit us online:
www.wvsos.com

Control Number: 85318

Defendant: SOARING EAGLE DEVELOPMENT COMPANY, LLC
300 CAPITOL ST
SUITE 1503
CHARLESTON, WV 25301 US

Agent: DREW PAYNE

County: Kanawha

Civil Action: 15-C-2202

Certified Number: 92148901125134100000918063

Service Date: 12/16/2015

I am enclosing:

1 summons and complaint

which was served on the Secretary at the State Capitol as your statutory attorney-in-fact. According to law, I have accepted service of process in your name and on your behalf.

Please note that this office has no connection whatsoever with the enclosed documents other than to accept service of process in your name and on your behalf as your attorney-in-fact. Please address any questions about this document directly to the court or the plaintiff's attorney, shown in the enclosed paper, ***not to the Secretary of State's office.***

Sincerely,

Natalie E Tennant

Natalie E. Tennant
Secretary of State

SUMMONS

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

SOARING EAGLE LODGE MASTER ASSOCIATION, INC., a West Virginia non-profit corporation; and SOARING EAGLE LODGE ASSOCIATION, INC. a West Virginia non-profit corporation,

Plaintiff(s),

v.

SOARING EAGLE DEVELOPMENT COMPANY, LLC, a West Virginia limited liability company,

Defendant(s).

ACCEPTED FOR SERVICE BY THE SECRETARY OF STATE STATE OF WEST VIRGINIA 2015 DEC 16 AM 10:03

Civil Action No.: 15-C-2202

Judge Bloom

TO THE ABOVE NAMED DEFENDANT:

IN THE NAME OF THE STATE OF WEST VIRGINIA, you are hereby summoned and required to serve upon **J. Michael Benninger, Esquire**, plaintiff's attorney whose address is: **P. O. Box 623, Morgantown, WV 26507** an answer, including any related counter-claim you may have to the complaint filed against you in the above styled civil action, a true copy of which is herewith delivered to you. You are required to serve your answer within **30 days** after service of this summons upon you, exclusive of the date of service.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint and you will be thereafter barred from asserting in another action any claim you may have which must be asserted by counterclaim in the above styled civil action.

Dated: 12-11-15

Cathy S. Gatson, Clerk

Clerk of the Circuit Court

By: J. Bradshaw

Deputy Circuit Clerk

FILED

2015 DEC 11 PM 4:45

CATHY S. GATSON, CLERK
KANAWHA COUNTY CIRCUIT COURT

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

SOARING EAGLE LODGE MASTER ASSOCIATION, INC., a West Virginia non-profit corporation; and SOARING EAGLE LODGE ASSOCIATION, INC. a West Virginia non-profit corporation,

Plaintiffs,

v. **CIVIL ACTION NO.** 15-C-2202
Bloom

SOARING EAGLE DEVELOPMENT COMPANY, LLC, a West Virginia limited liability company,

Defendant.

COMPLAINT

1. Plaintiff Soaring Eagle Lodge Master Association, Inc. ("SELMA") is a West Virginia non-profit corporation, which has its principal offices located in Beverly, Randolph County, West Virginia.

2. Plaintiff Soaring Eagle Lodge Association, Inc. ("SELA") is a West Virginia non-profit corporation, which has its principal offices located in Beverly, Randolph County, West Virginia.

3. Defendant Soaring Eagle Development, LLC ("SEDC") is a West Virginia limited liability company, which has its

principal offices located in Charleston, Kanawha County, West Virginia.

4. At all times relating to the relevant occurrences and claims made in this civil action, Defendant SEDC was the owner, developer, and declarant of the land and improvements which it submitted to establish and create a condominium named the Soaring Eagle Lodge at the Snowshoe Mountain Resort located in Snowshoe, Pocahontas County, West Virginia.

5. Soaring Eagle Lodge was established and created under the provisions of the West Virginia Uniform Common Interest Ownership Act ("Act"), *West Virginia Code* § 36B-1-101, *et seq.*

6. By applicable declarations, Defendant SEDC formed Plaintiffs SELMA and SELA for the express purposes set forth therein and explicitly defined and authorized within the Act.

7. At all times relating to the relevant occurrences and claims made in this civil action, Defendant SEDC advertised, offered, and sold residential and commercial units in the Soaring Eagle Lodge condominium to persons, who are now members of and represented by Plaintiffs SELMA and SELA.

8. While acting within the scope of their powers and for the purposes for which they were formed, Plaintiffs SELMA and SELA, by use of due diligence, have timely discovered that a number of common and limited elements of Soaring Eagle Lodge

contain substantial structural and material defects and the condominium was not constructed in accordance with the approved architectural, engineering and construction plans, drawings, specifications, and details and applicable existing construction standards.

9. As Soaring Eagle Lodge and its affected common and limited elements at issue in this civil action are not free from defective material and were not constructed in accordance with applicable law, the approved architectural, engineering and construction plans, drawings, specifications, and details, sound construction standards and in a good workmanlike manner, Defendant SEDC has breached its contract, express and implied, with each of the unit owners, breached its expressed and implied warranties of quality made to each of the unit owners, and has made material misrepresentations to each of the unit owners as to the quality of material and construction of Soaring Eagle Lodge, all to the detriment of and loss to the unit owners belonging to and represented by Plaintiffs SELMA and SELA.

10. At all times relating to this civil action, Defendant SEDC acted in a manner which is inequitable and has been unjustly enriched as a direct and proximate result of its wrongful and unlawful conduct as generally described in this Complaint, all to the detriment of the unit owners belonging to and represented by Plaintiffs SELMA and SELA.

11. As a direct and proximate result of Defendant SEDC's wrongful and unlawful conduct, as generally described in this civil complaint, Plaintiffs SELMA and SELA, on behalf of the unit owners, have incurred and expended substantial sums to repair and restore the damage and losses caused by the defective material used in constructing Soaring Eagle Lodge's common and limited elements, and Defendant SEDC's failure to construct same, according to applicable law, the approved architectural, engineering and construction plans, drawings, specifications, and details, and within applicable construction standards and in a good workmanlike manner within applicable construction industry standards.

12. As a further direct and proximate result of Defendant SEDC's wrongful and unlawful conduct, as aforesaid, and, to a reasonable certainty, Plaintiffs SELMA and SELA are now required to expend and will incur in the future, substantial sums for common expenses to repair, restore, and replace the roof, its sheathing, structural framing, insulation, soffit and fascia, and rainwater collection system along with unit deck railing and trim and Soaring Eagle Lodge's siding, flashing, and trim and to otherwise prevent water intrusion into all levels of Soaring Eagle Lodge and its plumbing and water heating and electrical systems.

WHEREFORE, Plaintiffs demand judgment from Defendant Soaring Eagle Development, LLC, in such amount that will fully and fairly compensate them for common expenses incurred and to be expended in the future, together with prejudgment interest, post judgment interest, and expenses of litigation, attorney fees, and such other relief afforded by West Virginia law. In addition, Plaintiffs seek entry of an Order directing Defendant Soaring Eagle Development, LLC, to immediately take such steps to protect and preserve all common and limited elements of Soaring Eagle Lodge, in accordance with the *Limited Visual Intrusion Water Survey* prepared for Plaintiff Soaring Eagle Lodge Master Association, Inc., by Professional Service Industries, Inc., dated May 20, 2015, a copy of which is marked and attached hereto as Exhibit "A."

Plaintiffs Demand a Trial by Jury

SOARING EAGLE MASTER ASSOCIATION INC.; and SOARING EAGLE LODGE ASSOCIATION INC.,
Plaintiffs,
By Counsel.

J. Michael Benninger, Esquire
W.Va. State Bar No. 312
Benninger Law
PROFESSIONAL LIMITED LIABILITY COMPANY
P. O. Box 623
Morgantown, WV 26507
(304) 241-1856
mike@benningerlaw.com
Counsel for Plaintiffs

PSI Information To Build On
Engineering • Consulting • Testing

LIMITED VISUAL WATER INTRUSION SURVEY

Of

SOARING EAGLE LODGE SNOWSHOE RESORT
SNOWSHOE, WEST VIRGINIA

Prepared for

SOARING EAGLE LODGE MASTER ASSOCIATION
PO BOX 156
BEVERLY, WV 26253

PREPARED BY

PROFESSIONAL SERVICE INDUSTRIES, INC.
2930 ESKRIDGE ROAD
FAIRFAX, VA 22031

PSI PROJECT NO.: 0443-552

MAY 20, 2015

Diego F. Mora, C.E.I.
Project Manager
Facilities and Roof Consulting

Greg Kinton, AIA (VA)
Principal Consulting
Facilities and Roof Consulting

EXHIBIT A

PSI Information To Build On
Engineering • Consulting • Testing

May 20, 2015

Soaring Eagle Lodge Master Association, Inc.
PO Box 156
Beverly, WV 26253

Attn: James K. Payne, President

Email: C/O Thomas Roat t.roat-snowshoe@att.net

RE: **Limited Visual Water Intrusion Survey**
Soaring Eagle Lodge Snowshoe Resort
Snowshoe, WV
PSI Proposal No: 0443-138237

Dear Mr. Payne,

In accordance with PSI Proposal No. 0443-138237, Professional Service Industries (PSI) is pleased to present the following report which summarizes our observations of the above-referenced project. PSI representatives visited the site on Tuesday, May 12, 2015 to conduct Limited Visual Water Intrusion Survey.

We have attached a summary of our comments, together with the relevant photographic documentation.

PSI appreciate the opportunity to be of service to you on this project. We would be pleased to continue our role as consultants in the monitoring of repairs.

If you should have any questions or require additional information please do not hesitate to contact our office at your convenience.

Respectfully submitted,

PROFESSIONAL SERVICE INDUSTRIES, INC.

Diego F. Mora, C.E.I.
Project Manager
Facilities and Roof Consulting

Greg Kinton, AIA (VA)
Principal Consulting
Facilities and Roof Consulting

TABLE OF CONTENTS

1. PROJECT INFORMATION

1.1 SYNOPSIS

On Tuesday May 12, PSI performed a visual, non-invasive observation of building envelope areas and overall exterior (roof, gutters, and façade walls) to determine sources of water infiltration. The data has been collected, and recommendations given based on the information collected by PSI.

Interviews were conducted with facility personnel to determine roof history, past and present experience with roof leaks, repairs and current maintenance programs. Interviews included discussion of recent weather conditions and known structural deficiencies affecting the roof.

1.2 PROJECT LOCATION

The building upon which this survey was performed is the Soaring Eagle Lodge at Snowshoe Resort in Snowshoe, West Virginia in a rural setting and is utilized as residential and recreational lodging.

1.3 BUILDING INFORMATION

PSI understands that the Soaring Eagle Lodge at Snowshoe Resort consists of an L-shaped condominium building with one level of parking and 4 stories of commercial and residential floors. The total area of the building is 139,949 square feet, and the building was completed in 2006. The exteriors are finished with fiber cement siding and associated PVC trim with an asphalt shingled roof. The building has had past shingle problems and other water intrusion/premature wear of exterior façade elements.

2. FIELD OBSERVATIONS

PSI made visual observations of the buildings exterior to determine the general condition of the existing exterior finishes and roof assemblies. The following information presents the result of the field observations made during our site visit on Tuesday May 12, 2015.

2.1 SITE CONDITIONS

Weather conditions at the time of the survey were;

- Temperature: 45° F
- Wind Velocity: 30 mph sustained
- Cloud Cover: partly sunny
- Precipitation: Approx.: 0.04 inches

2.2 ROOF CONDITIONS

Upon arrival it was observed that large sections of shingles were missing in several areas on the roof as well as the lower section of signage on the northwest turret. Once inside the attic space the following roof make-up was observed:

The roof on the building consist of architectural 3-tab shingle roof system and trim installed on 5/8" OSB sheathing on wood framed rafters. The 5/8" OSB decking was observed in poor condition where viewed at limited locations within the attic. Although the decking shows signs

of previous leaking it is unclear the extent of water damage from below. We were able to push on the underside of the OSB sheathing and move the material in such a fashion as to indicate that the sheathing has been compromised by water and is no longer has structural in these locations.

The results of the roof inspection and interior attic inspections indicate that the installed architectural shingle roof system on the building roof areas are in poor condition. Some deficiencies were observed that included as follows:

a. Architectural shingle roof system was observed with several large areas of missing shingles. This appears to be due to the high wind speeds, shingle head-lap exposure, minimal use of fasteners and the failure of the OSB sheathing to properly grasp the shingle fasteners (nails).
b. Shingles missing or blown off at the rear northeast valley. This valley is an open valley meaning that it has a formed sheet metal valley and the shingles are held back from the center approximately 6-8 inches, which will allow the wind to get under the installed shingles creating an uplift and potentially tearing the shingles from their location.
c. Several locations have had the fascia and/or rake metal blown off due to improper fastening, the use of standard aluminum trim nails in this type of environment is not recommended. The area is subject to very high winds as well as heavy snowfall most of the year.

The front of the building contains a lower roof section consisting of corrugated metal roof panels. The installed corrugated metal roof panels were observed with roof accessory deficiencies that included as follows:

a. The corrugated metal roofing panels are attached with neoprene grommet screws through the metal panel to the roof deck sheathing. PSI observed missing fasteners at the siding to metal roof transitions flashing allowing water to enter below the corrugated metal and eventually to the roof sheathing. PSI observed this condition has resulted in wet ceiling tiles on the inside of the restaurant at the front of the building.
b. The method of attachment of the corrugated metal panels with through-fasteners will allow the roof to flex when loaded with snow and bypass the neoprene grommet, thereby allowing water entry into the roof framing members.

Within the condominium section and the reception on the front of the building, a lower roof section was observed with an Ethylene Propylene Diene Monomer (EPDM) single ply roof membrane installed. It is unclear how thick the insulation is as no test cuts were made. The following was noted:

a. A walkover of the roof area revealed several areas with potentially wet insulation. This was noted by a spongy feeling underfoot idicitive of saturated ridid roof insulation.

b. The roof membrane was found with multiple holes, rips and puctures in a number of areas during the survey. These appear to be caused by falling shingles, trim metal and cementitious siding as it was pulled from several of the holes.
c. Several areas around the drains had water ponding due to debris accumulation.

2.3 FIBER CEMENT SIDING

Fiber cement siding has been used as the main exterior weather facade for the building. The siding appeared to be installed over Tyvek air and water barrier, which is applied directly to the OSB wall sheathing. The siding adjoins the flanged framed windows and doors. The fiber cement siding appeared to have been properly installed with the exception of some minor issues noted as follows:

a. Several areas of the building exhibited buckled siding which may be caused by nailing the siding material too tightly, not allowing expansion of the siding between non-fiber cement products or by water swelling the wall sheathing.
b. One window on the front elevation of the building, second floor, reportedly has experienced water penetration in the past and was observed with joints not fully sealed. These open joints offer a path for water to enter behind the siding and absorb into the wall sheathing.
c. PSI observed throughout the façade many areas of missing, incomplete of failed sealant joints between the siding and associated trim.

2.4 BALCONY DECKS

The balcony decks on the northwest corner have a concrete slab and EPDM waterproofing membrane installed onto the deck surface, and are covered with concrete pavers on pedestals. The EPDM membrane was carried up and over the parapet wall and slate paver stones were installed to cap the wall.

a. PSI pulled several of the 2'x2'x2" concrete pavers in order to inspect the membrane and drainage, although the membrane appeared to be in good condition the installed drains were only 2 inches in diameter, of the 4 drains inspected 1 of the 4 had a drain strainer which was covered with debris.

3. RECOMMENDATIONS

3.1 GENERAL

The following pages present recommendations for repairs of the specific items noted during the survey. The recommendations given are general in nature and should not be used as specifications or repair documents.

3.2 SUMMARY OF RECOMMENDATIONS

Roofs – Our investigation of the subject roofs and adjacent areas included a visual survey, along with interviews with the Soaring Eagle Resort building engineer Jay Puffenbarger. The results of

our survey indicate that the shingle roof as installed is in poor condition and replacement is required.

Asphalt Shingles-The shingles as installed have a 6 inch exposure; this condition would be acceptable in a lower elevation with less wind. PSI recommends that the exposure be minimized to at least 4 inches which will lower the area of wind uplift and allow additional fasteners to be installed.

Additionally the OSB sheathing is not a suitable substrate for this roof deck as once it is exposed to moisture it begins to delaminate and deteriorate allowing the fasteners to become loose and the decking to become spongy. PSI recommends the removal of the existing OSB roof sheathing over the entire asphalt roof area and replace with CDX Plywood sheathing.

The fascia and rake trim metal should be replaced as needed and a more substantial and compatible fastener used to secure the existing trim metal.

Fiber Cement Siding - This material is operating correctly except for a few items that should be corrected. Most of the corrections can be handled with simple maintenance and sealing of open sealant joints. Attention to the window sill flashings is also recommended. Ensuring the water running off the metal window sill cannot roll back behind the siding and trim is important. Installing a different type of flashing may be required.

EPDM Single Ply Roof Membrane - Once a roof system has been breached by moisture resulting in saturated materials, corrective action to solve the immediate problem and also reduce moisture content to acceptable levels is very limited. The configuration of the roof support structure on this roof section appears to be appropriate for the application of several types of low sloped replacement roof systems. If a roof-over type of remediation is selected, all existing "wet" roof areas should be removed and replaced. PSI recommends replacement of this roof section.

Balcony Decks - The installed drains on the balcony decks are too small for the surface area and do not provide adequate drainage, PSI recommend install a minimum of 4 inches diameter drains to create a generous water flow capacity for the rapid removal of collected water. A semi-annual maintenance program to clean these drains is recommended.

3.3 PREVENTATIVE AND PROACTIVE MAINTENANCE

A comprehensive maintenance program can result in a longer service life, fewer roof leaks, and reduced life cycle costs. Emergency roof repairs and "crisis management" are reduced to a minimum. Roof repairs and replacement are anticipated and the required work is budgeted for annually, thus resulting in overall net savings in real roofing costs. Bi-annual maintenance surveys of the existing or replacement roofs should be made by qualified personnel in the spring and/or fall of each year, and after exposure to unusually severe weather conditions. Records of these surveys should be kept in order to identify changing conditions.

3.4 LIMITATIONS

Our investigation was limited to representative locations. Our investigation did not include the observation by PSI of all building envelope components. Our services were performed with the standard of care as practiced by professionals performing a similar service with a specific limited scope of services. Our observations accurately reflect the conditions observed at the locations investigated. However, conditions may vary or differ at other apparently similar locations. This report may not be copied, except in the entirety, without the expressed written consent of PSI.

Our services were not intended to be technically exhaustive. There is a possibility that even with proper application of methodologies, conditions may exist on the property that could not be identified within the scope of the assessment(s) or that were not reasonably identifiable from the available information.

PSI did not gain access to all areas, perform any exploratory probing or discovery, perform tests, operate any specific equipment, or take measurements or samples.

APPENDICES

Appendix A - General Project Information

Appendix B - Field Survey Methodology

Appendix C - Photographs

APPENDIX A - GENERAL PROJECT INFORMATION

This report represents the results of the final roof and facade inspection, conducted for Soaring Eagle Lodge Master Association. The survey was conducted on Tuesday May 12, 2015.

Authorization

Authorization to perform this evaluation and analysis was in the form of Proposal No. 0443-138287 dated November 11, 2014 to Professional Service Industries, Inc.

Purpose

The purpose of the inspection of the exterior building envelope was to determine sources of water infiltration to determine what the current conditions are related to the weather barrier elements. Further the purpose was to identify installation deficiencies in the locations identified for moisture intrusion, and to identify a summary of recommendations based on the findings of the survey.

Scope

The scope of the exterior building envelope inspection included interviews with the owner's reps, visual examination of the surface of the roofs and interior attic spaces and photographic documentation.

The architectural drawings, details, specifications, and other information concerning the building envelope and façade were not available for use in the preparation of this report.

It is to be noted that within the scope of this project the structural adequacy of the roof deck and structure was not determined. The drainage adequacy was not determined, utilizing local code or SMACNA Guidelines. The insulation adequacy was not determined utilizing NRCA Guidelines, ASHRAE Standards, or the Department of Energy recommendations.

The presence of asbestos was not determined however no testing has been done at this time. Unless there is documentation that the roofing materials are free of asbestos, asbestos testing would be recommended prior to the planning and budgeting of the shingle roof replacement.

Measurements were not verified by PSI personnel and dimensions are assumed to be accurate, within typical field measurement tolerances.

Some of the items noted above are not included by the scope of this report to have more than a visual value judgment. PSI cannot be held responsible for any damage or injury, as a result of nonperformance of these in-depth studies.

Previous Survey

No previous surveys were noted during the preparation of this report.

General

The recommendations submitted for subject project are based on available information and details furnished by Soaring Eagle Lodge Master Association, Inc. The observations and recommendations presented in this report are time-dependent, and conditions will change. Any

revisions made to the recommendations enumerated in this report should be brought to the attention of PSI. If deviations from noted construction or conditions are encountered during the remedial application, they should also be brought to the attention of PSI.

PSI warrants that these findings have been promulgated, after being prepared in accordance with generally accepted practice of the roofing industry. No other warranties are expressed or implied.

After a decision is made to correct the existing problems, it is recommended that PSI be provided the opportunity to prepare or review the final specifications, in order that the work and recommendations may be properly interpreted and implemented. At that time, it may be necessary to submit supplementary recommendations.

This report has been prepared for the exclusive use of Soaring Eagle Lodge Master Association, Inc. for specific application to the subject roof areas of the buildings discussed herein.

Note Regarding Mold and Other Interior Microbial Organisms

Please note that the scope of work on this project did not include inspection or testing for the presence of mold or other indoor microbial organisms. Therefore, PSI does not assume any liability for the presence of mold and/or other microbial organisms in this facility before, during or after our services are/were completed. Soaring Eagle Lodge Master Association acknowledges that mold is ubiquitous to the environment with mold amplification occurring when building materials are impacted by moisture. Soaring Eagle Lodge Master Association further acknowledges that site conditions are outside of PSI's control, and that mold amplification will likely occur, or continue to occur, in the presence of moisture.

APPENDIX B - FIELD SURVEY METHODOLOGY

Visual Survey

Limited exterior and interior visual observations were made by PSI personnel utilizing ladders and an aerial lift to access the roof areas and facades during the site investigation of the roof sections and exterior walls. These observations included roof surface conditions, roof accessory items and inspection of the exterior building envelope. Cursory observations of the building structure, as it relates to the roof, were made that should not be considered a structural analysis.

Photographic Documentation

Photographs were taken by PSI personnel, to document specific items, general conditions, and area layout. While these photographs were not intended to provide a complete record of the inspected areas they do provide visual description of selected problem areas. Selected photographs are presented in the Appendix.

Material Sampling

As part of the survey, material sampling was not proposed or performed.

APPENDIX C - PHOTOGRAPHS

Photo No. 1
View of the west elevation showing several roof elevations. Note missing shingles and lower signage.

Photo No. 2
View of the north elevation.

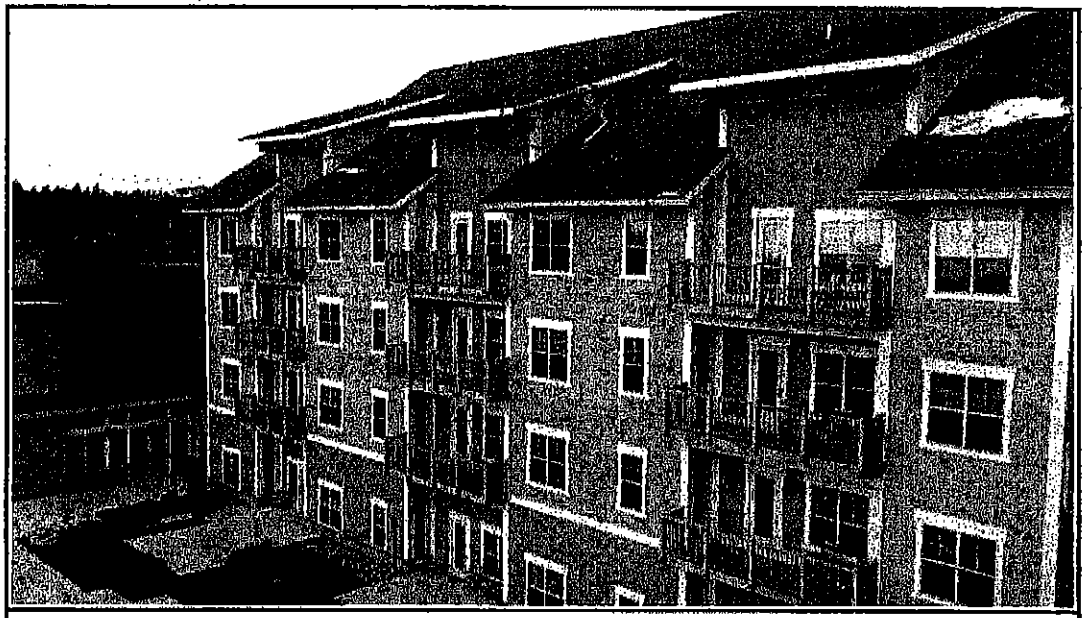

Photo No. 3
View of the east elevation. Note areas of missing/blown shingles and trim metal.

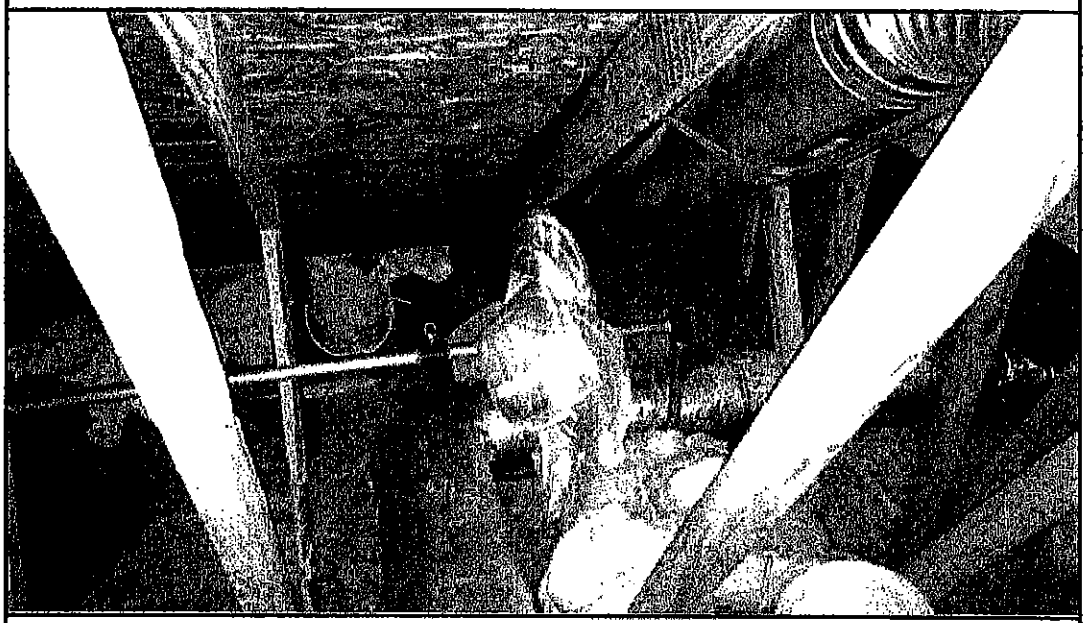

Photo No. 4
View of leak area in attic. Possibly emanating from B-Vent flashing.

Photo No. 5
View of molsture damaged OSB in attic area showing signs of mold.

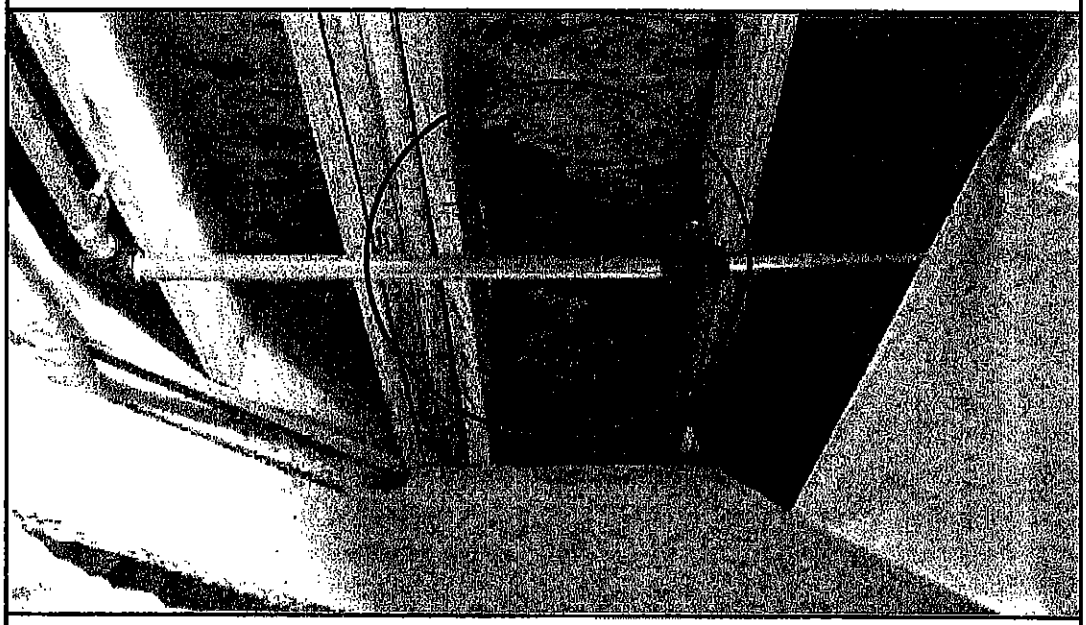

Photo No. 6
Water damaged OSB showing signs of mold in attic area.

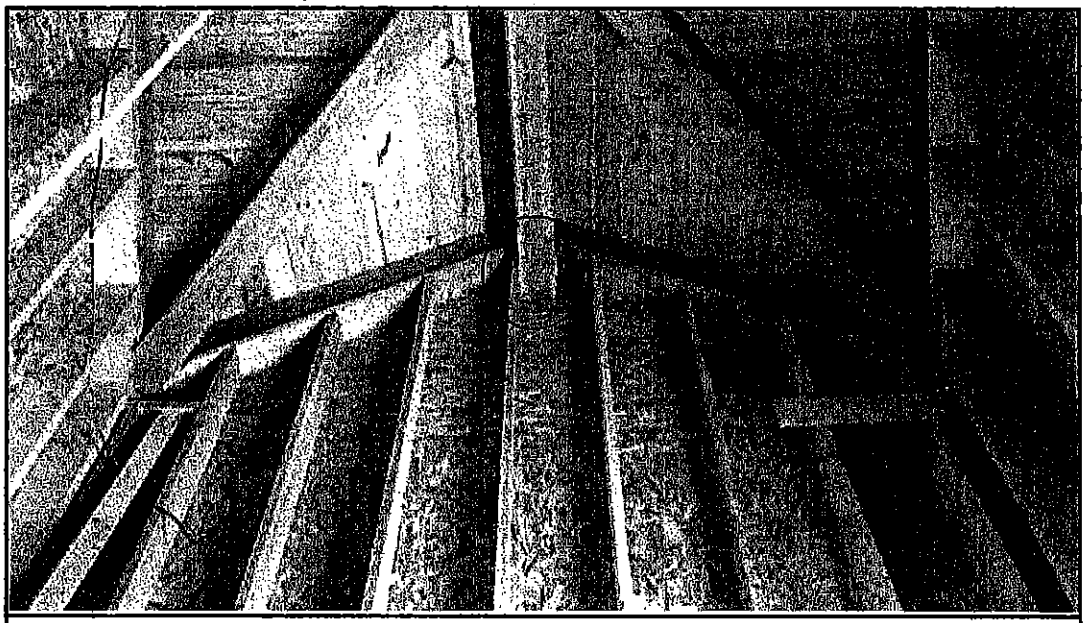

Photo No. 7
View of opening around beam pocket on the turret.

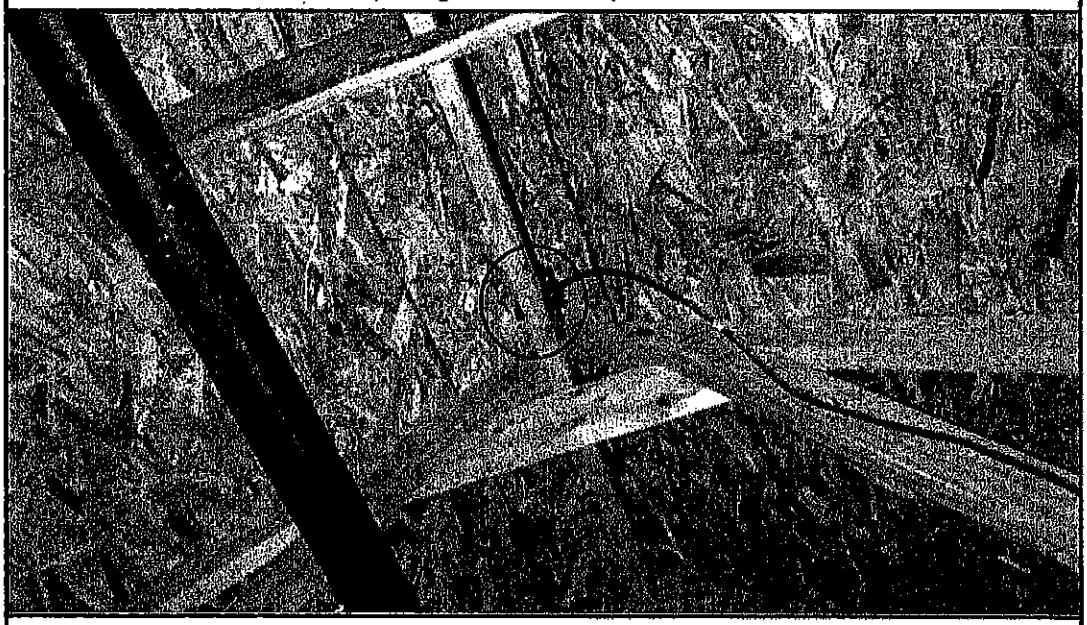

Photo No. 8
View of openings around lightning protection wiring through the roof.

Photo No. 9
View of duct penetration through the roof. Note water marks running down the side of ductwork and damaged OSB sheathing.

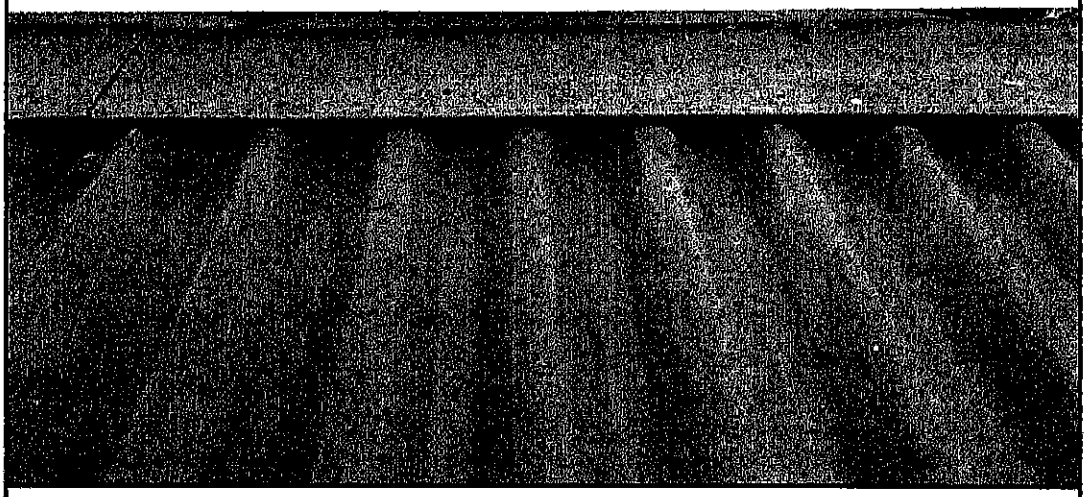

Photo No. 10
View of missing fasteners at metal roof apron flashing to wall transition.

Photo No.11
Overview of corrugated metal roof to wall transition. Fasteners missing in several locations.

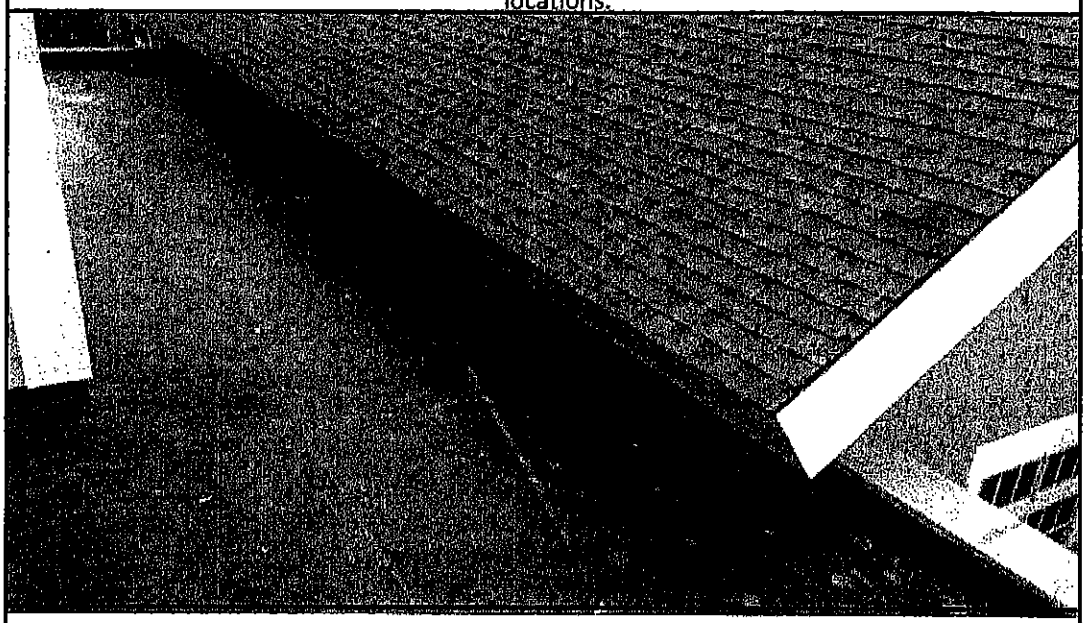

Photo No. 12
View of EPDM roof over the lobby/reception area.

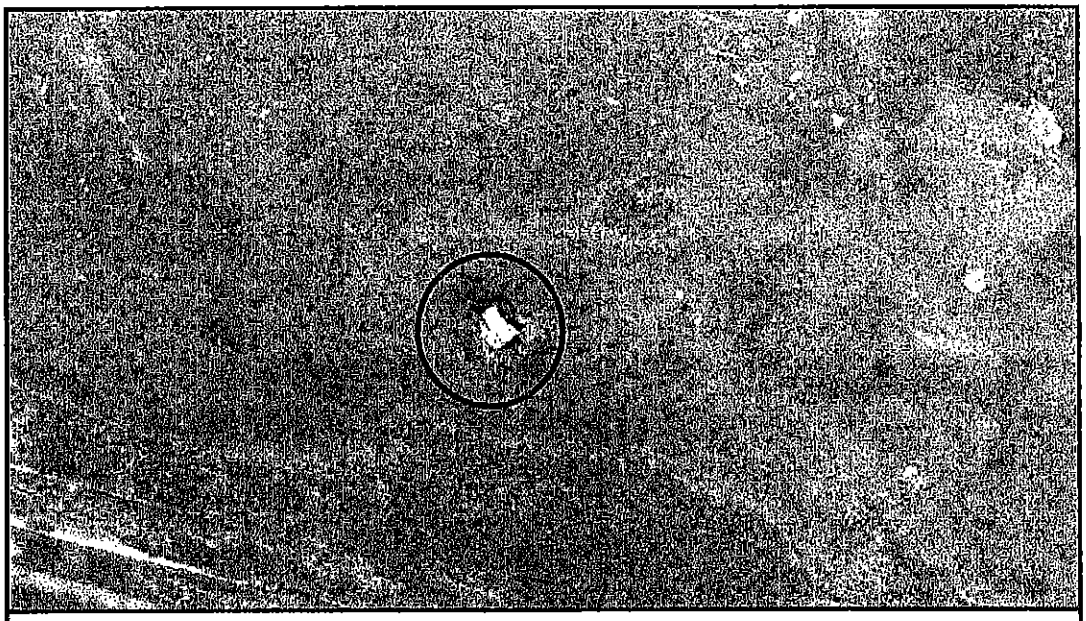

Photo No.15
View of fibered cement siding puncture in EPDM roof membrane.

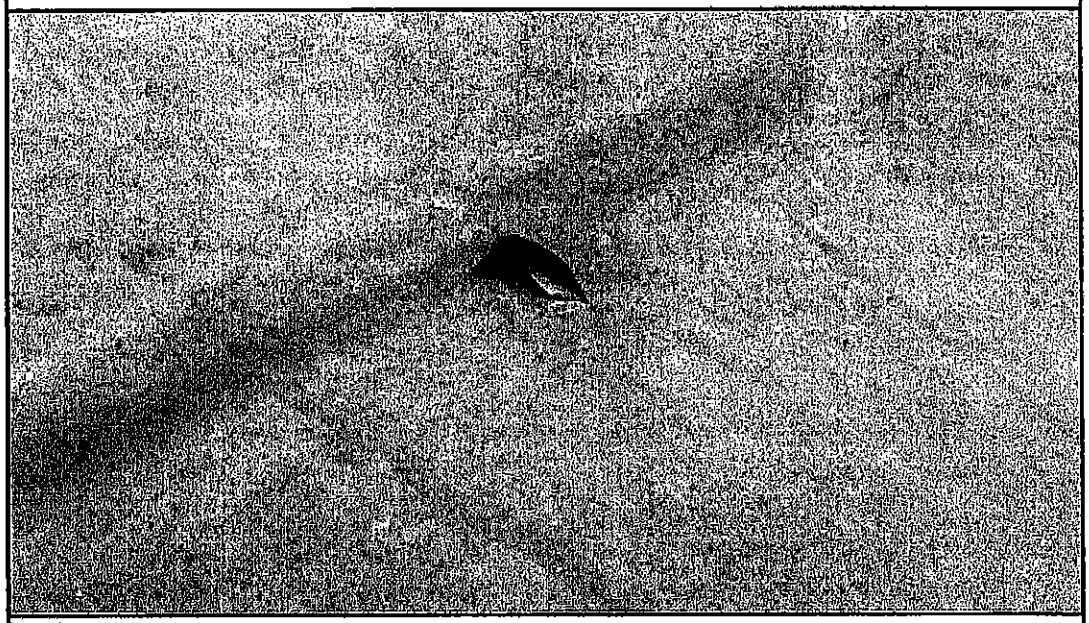

Photo No.16
View of typical puncture found in EPDM membrane showing insulation below.

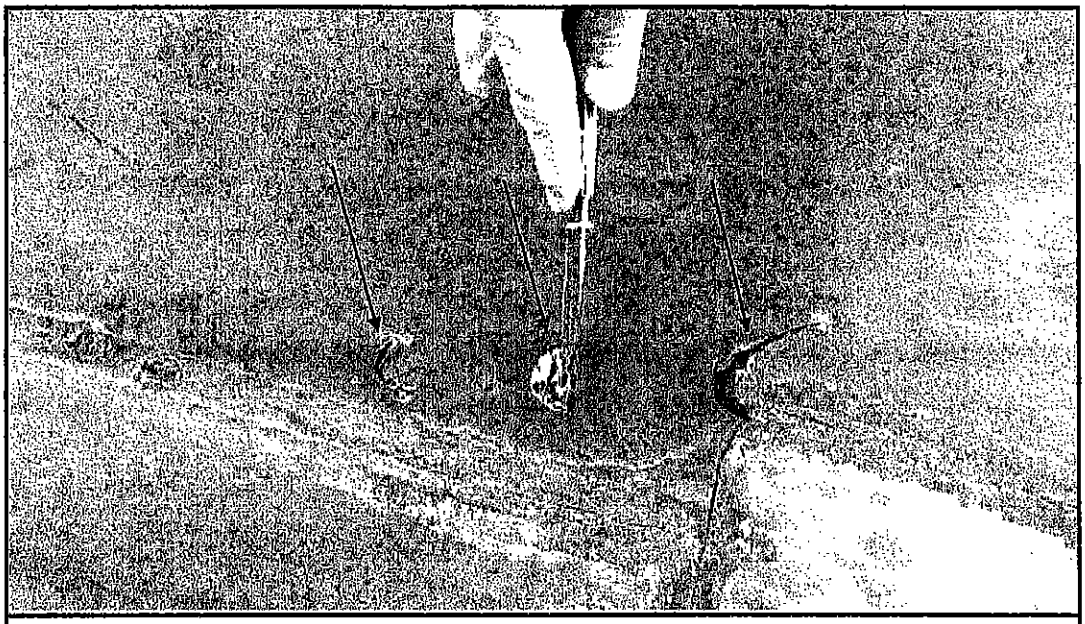

Photo No. 17
View of several tears in a row as if something was drug across the membrane.

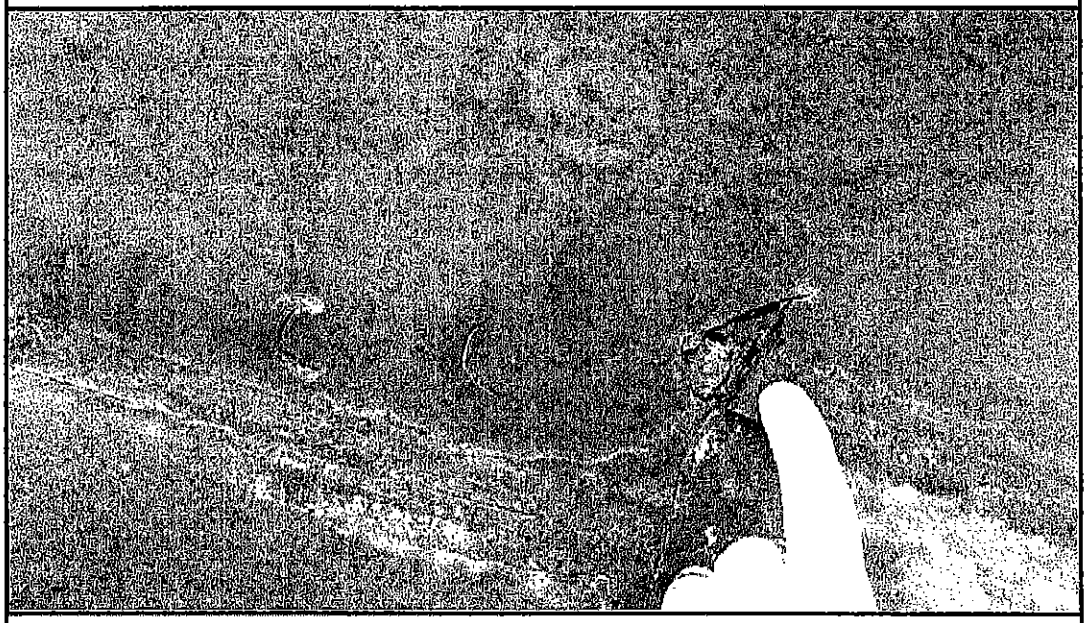

Photo No. 18
Close up view of tear showing damaged insulation below membrane.

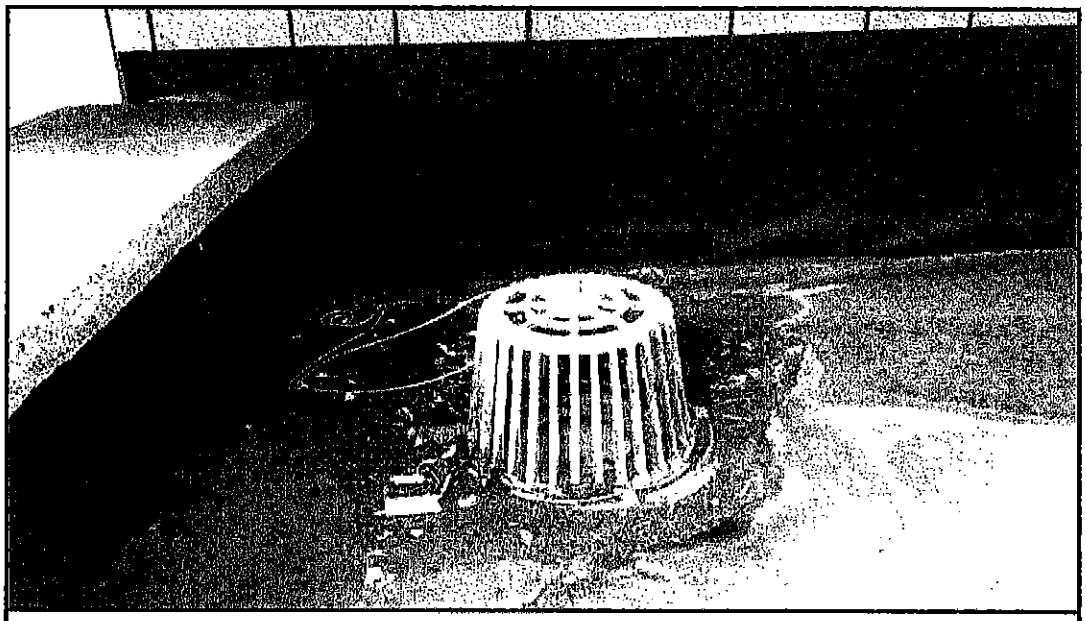

Photo No. 19
View of debris around drain bowl on the lower EPDM roof.

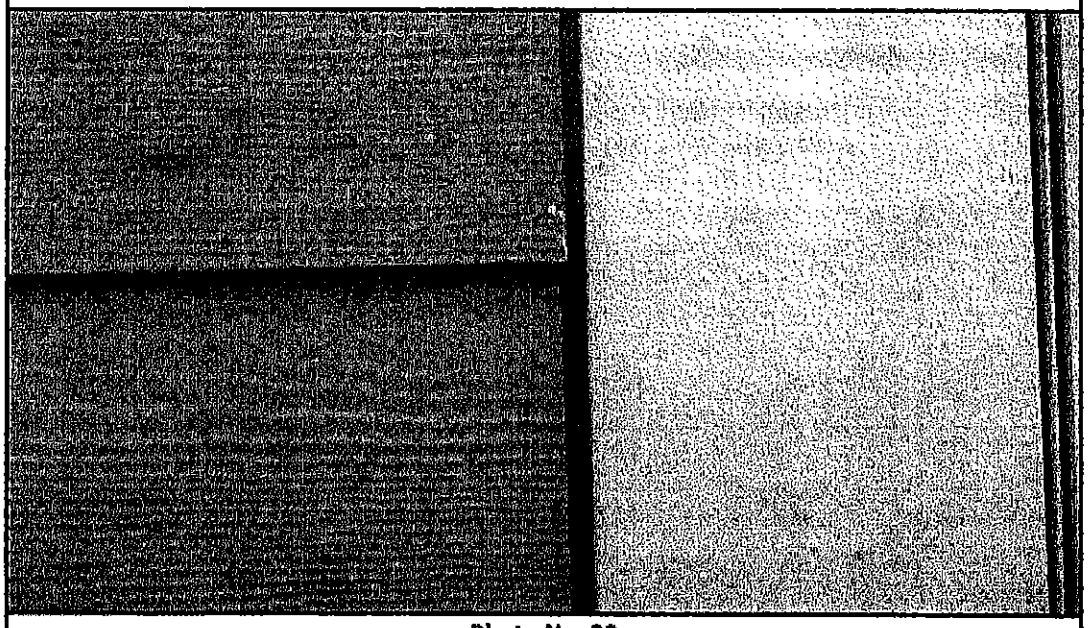

Photo No. 20
View of missing sealant at siding to trim transition, This condition will allow moisture behind the siding and trim.

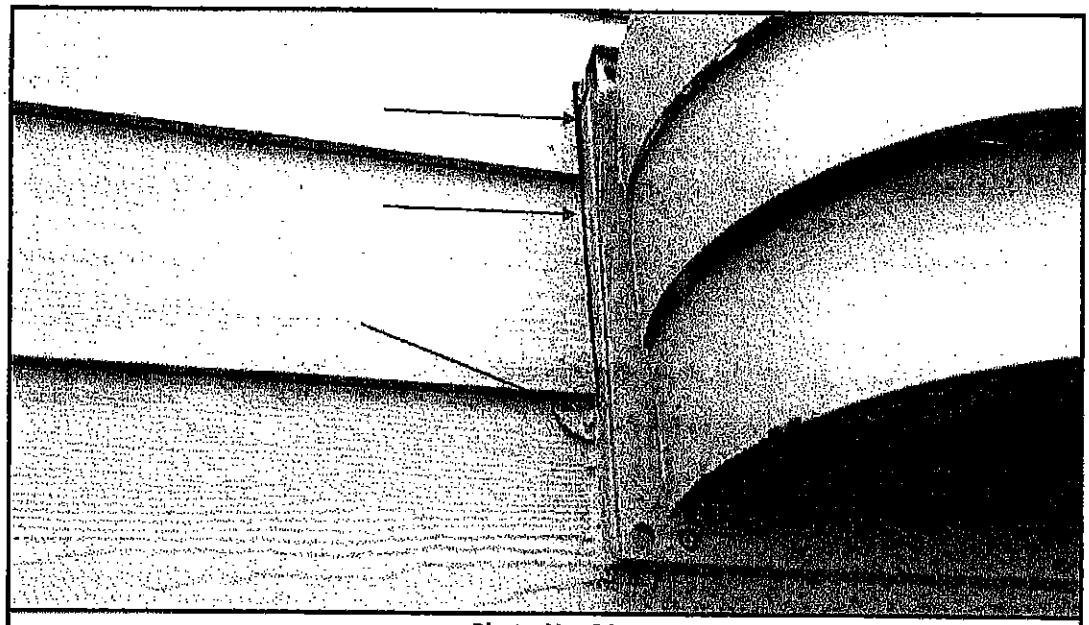

Photo No. 21

Missing sealant at the exhaust fan hood, Note sealant installed at the bottom 1/3rd causing water to be directed into the wall.

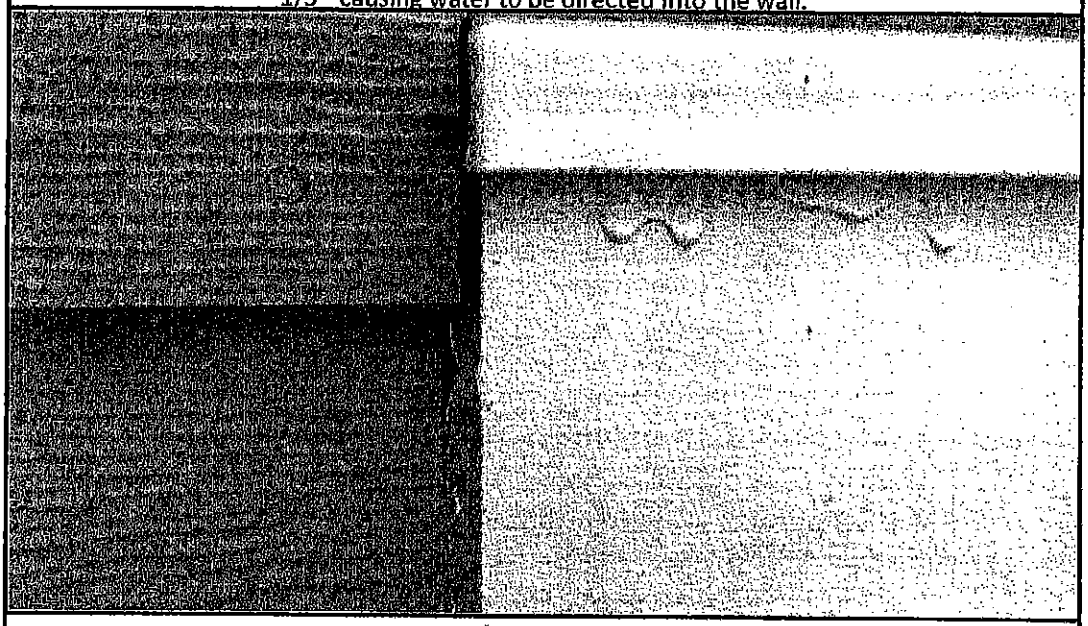

Photo No. 22

Close up view of failing sealant around the window trim, typical around the building.

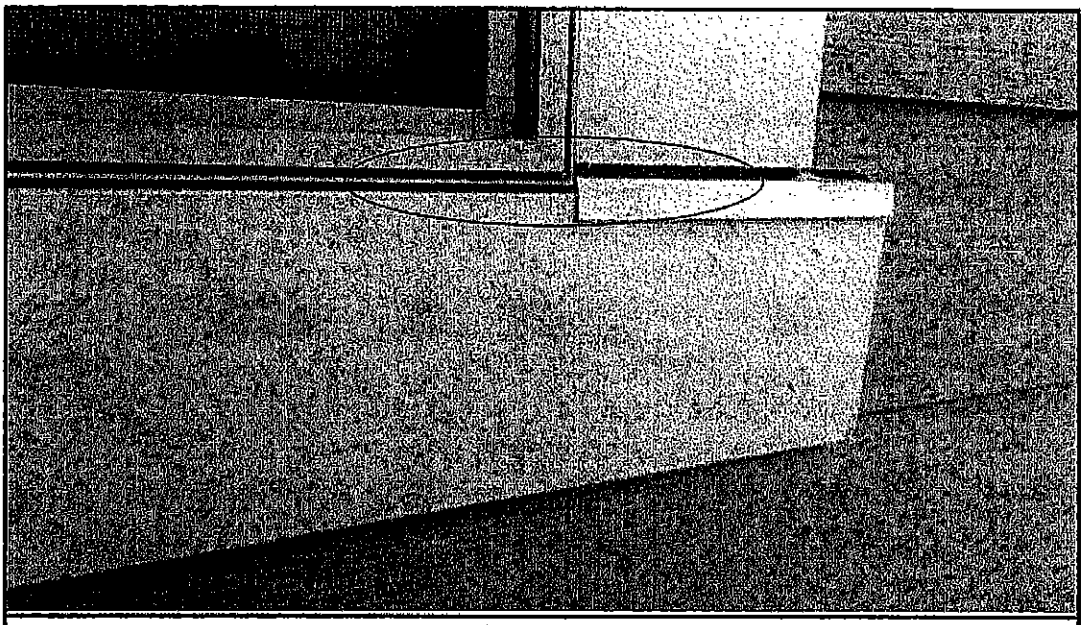

Photo No. 23

View of incomplete metal flashing and sealant application allowing water to enter behind the trim and into the wall system at window sill.

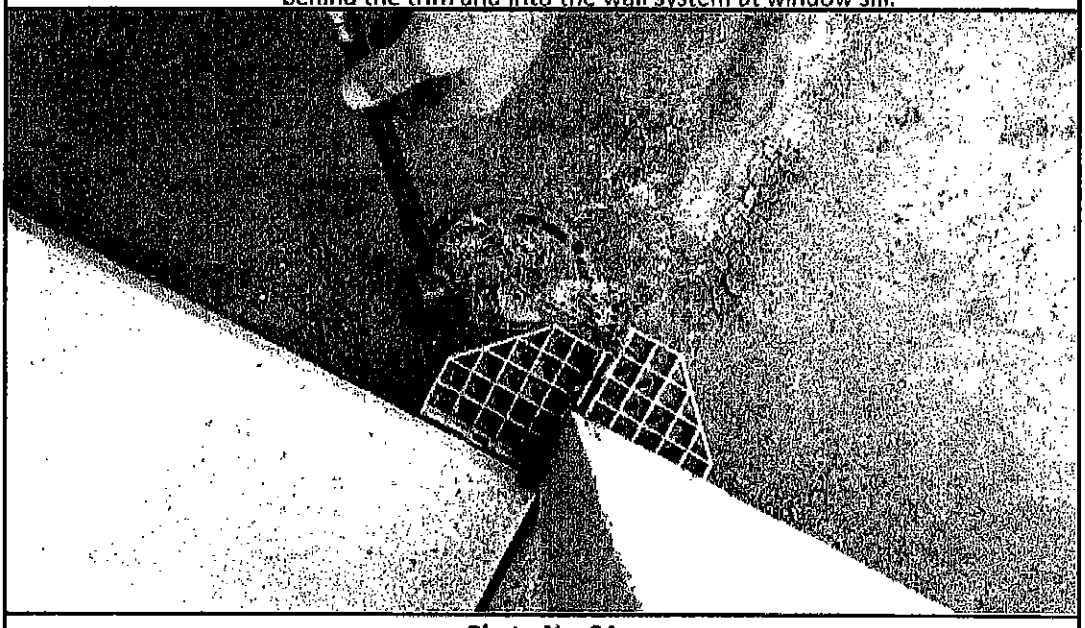

Photo No. 24

View of EPDM membrane on balcony, showing debris over the drain strainer.

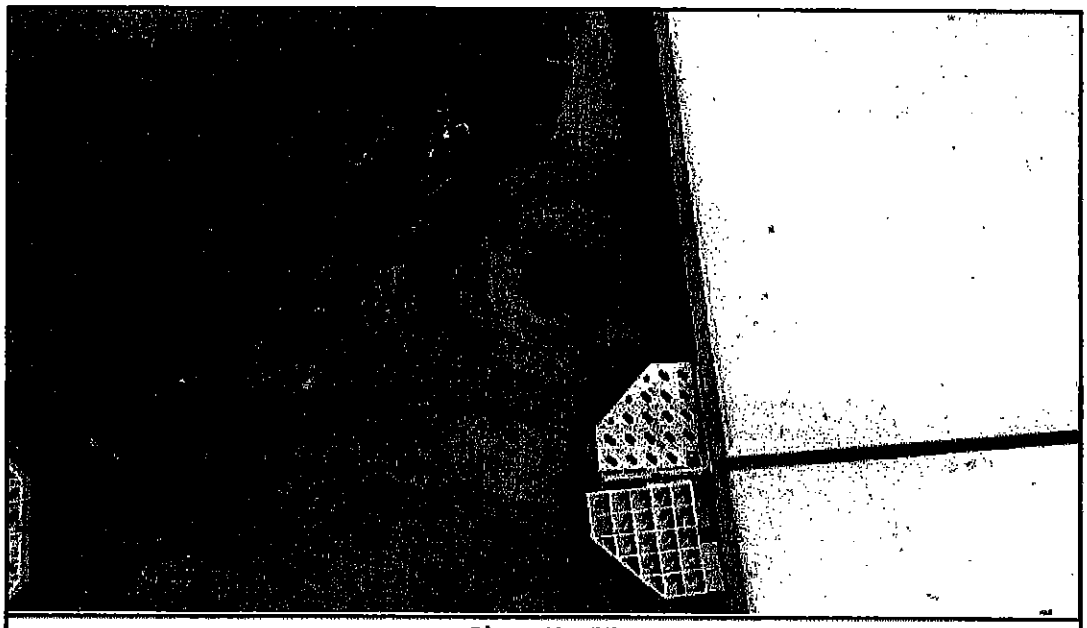

Photo No. 25

View of typical drain on balcony EPDM/Paver roof. No drain strainer was observed at this location.

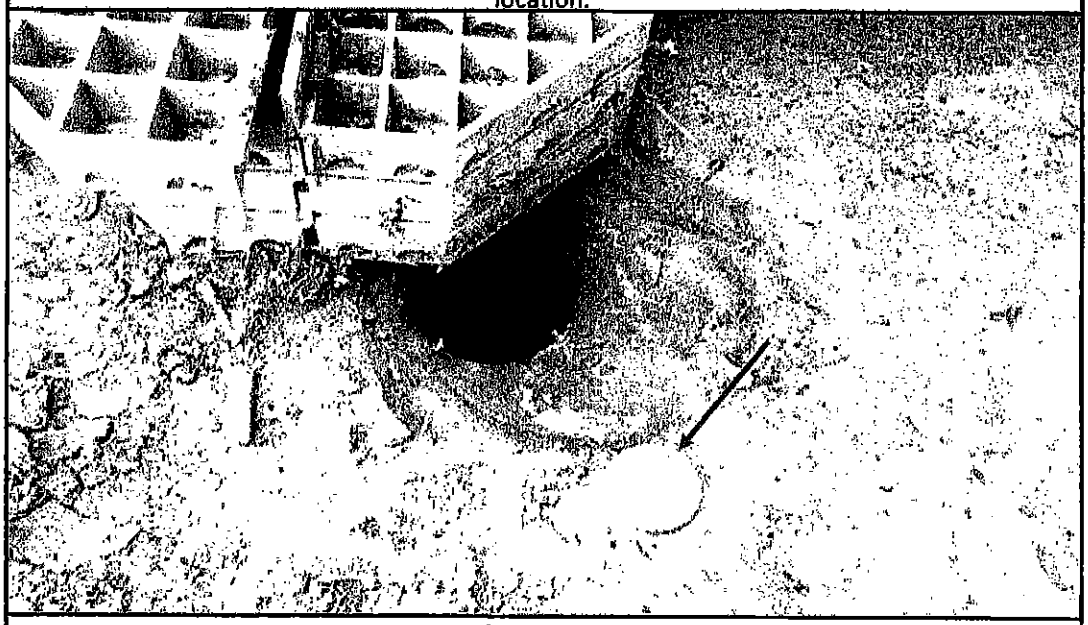

Photo No. 26

View of typical drain on the balcony EPDM/Paver roof. Again no drain strainer was observed at this location. Note size of drain opening in reference to the quarter in photo.

COPY

BENNINGER LAW
PROFESSIONAL LIMITED LIABILITY COMPANY

February 18, 2016

Cathy S. Gatson
Circuit Clerk of Kanawha County
111 Court Street, Suite 216
Charleston, WV 25301

Re: ***Soaring Eagle Lodge Master Association, Inc.; and Soaring Eagle Lodge Association, Inc. v. Soaring Eagle Development Company, LLC; GBBN Architects, Inc.; and Branch & Associates, Inc.***
Civil Action No. 15-C-2202

Dear Ms. Gatson:

Please file the enclosed Amended Complaint in the above-referenced civil action. I am providing the original and five (5) copies of the Amended Complaint; an original and one copy of a Civil Case Information Statement; an original and three copies of a Summons for Defendant GBBN Architects, Inc. (with a copy marked, "for return"); an original and three copies of a Summons for Defendant Branch & Associates, Inc. (with a copy marked, "for return"); a check made payable to the Circuit Clerk of Kanawha County in the amount of $10.00 to cover the cost of forwarding the Amended Complaint to the Secretary of State; a check made payable to the Secretary of State in the amount of $40.00 to cover the cost of service on Defendants GBBN Architects, Inc., and Branch & Associates, Inc.; and a "Request for Legal Process to be Served by the West Virginia Secretary of State" for both Defendants being served. Please return the extra copy of the Complaint, marked "filed," in the self-addressed, stamped envelope which I have also enclosed.

Should you have any questions or need further information, please do not hesitate to contact me. Thank you for your assistance.

Very truly yours,

J. Michael Benninger
mike@benningerlaw.com

JMB/hlk
Enclosures
cc: Shawn P. George, Esquire (w/enclosure)
John W. MacCorkle, Esquire (w/enclosure)

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